



11-12-04

IAW AF/1631 #

Express Mail No. EV452773409US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Marton et al. Confirmation No.: 8604
Serial No.: 09/823,322 Art Unit: 1631
Filed: April 2, 2001 Examiner: Marschel, A.
For: METHODS FOR DETERMINING Attorney Docket No.: 9301-136
THERAPEUTIC INDEX FROM
GENE EXPRESSION PROFILES

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:


Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated August 11, 2004 of the Primary Examiner finally rejecting claims 1, 8-10, 12, 19-21, 64, 69 and 70, and objecting to claims 11, 22, 65-68, 71 and 72 of the above-identified application.

The item(s) checked below are appropriate:

1. ☐ An extension of time for responding to the final rejection for _____ month(s):
☐ was filed on _____
☐ is submitted herewith.
2. ☒ A timely response to the final rejection has been filed.
3. ☐ A fee in the amount of \$340.00 is:
☐ Required.
☐ Not required (Fee paid in prior appeal).
4. ☒ Applicant has qualified for the 50% reduction in fee for an independent inventor, non-profit organization or small business concern and a fee in the amount of \$170.00 is:
☒ Required.
☐ Not required (Fee paid in prior appeal).
5. ☒ Please charge the required fee, if any, to Jones Day Deposit Account No. 50-3013. A copy of this sheet is enclosed.

Respectfully submitted,

Date: November 10, 2004

 32,605
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